

ESTTA Tracking number: **ESTTA554043**Filing date: **08/14/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Republic Technologies (NA), LLC		
Entity	LIMITED LIABILITY COMPANY	Citizenship	Delaware
Address	2301 Ravine Way Glenview, IL 60025 UNITED STATES		

Attorney information	Antony J. McShane Neal, Gerber & Eisenberg, LLP 2 North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES amcshane@ngelaw.com, jcohen@ngelaw.com, temmanuelson@ngelaw.com, lpalumbo@ngelaw.com Phone:312.269.8000
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**Applicant Information**

Application No	85551808	Publication date	07/23/2013
Opposition Filing Date	08/14/2013	Opposition Period Ends	08/22/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Brooks Entertainment Inc. P.O. Box 181205 Coronado, CA 92178 UNITED STATES		

**Goods/Services Affected by Opposition**Class 034. First Use: 2011/06/16 First Use In Commerce: 2011/06/16  
All goods and services in the class are opposed, namely: Cigars**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	73124	Application Date	10/27/1908
Registration Date	03/16/1909	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U008 (International Class 034). First use: First Use: 1856/00/00 First Use In Commerce: 1856/00/00 CIGARETTE PAPERS

U.S. Registration No.	1341384	Application Date	06/06/1983
Registration Date	06/11/1985	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: Cigarette Paper		

U.S. Registration No.	2422747	Application Date	04/05/1999
Registration Date	01/23/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes		

U.S. Registration No.	2420646	Application Date	04/05/1999
Registration Date	01/16/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes		

U.S. Registration No.	2432868	Application Date	05/11/1999
Registration Date	03/06/2001	Foreign Priority Date	NONE
Word Mark	JOB		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 034. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 Cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, all such machines being for personal use; filter tips for cigarettes

Attachments	Notice_of_Opposition_re_S_O_B___Brooks_Entertainment_.pdf(34777 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Antony McShane/
Name	Antony J. McShane
Date	08/14/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No.  
85/551,808 for S.O.B.

Published in the Official Gazette  
on July 23, 2013

REPUBLIC TECHNOLOGIES (NA), LLC

Opposer,

v.

BROOKS ENTERTAINMENT, INC.

Applicant.

**NOTICE OF OPPOSITION**

This Notice of Opposition is submitted in the matter of Application Serial No. 85/551,808 for registration by Brooks Entertainment, Inc. of the term S.O.B. based upon its use of the term in connection with “cigars” in International Class 34, which was published for opposition in the Official Gazette on July 23, 2013. Republic Technologies (NA), LLC, having a place of business at 2301 Ravine Way, Glenview, Illinois, 60025, believes that it would be damaged by the registration and therefore opposes the same.

The grounds for Opposition herein are as follows:

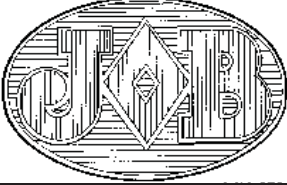


1. Since 1856, Republic Technologies (NA), LLC, including its affiliates and predecessors (“Republic”), has been a preeminent manufacturer and distributor of smokers’ articles, including cigarette papers, cigarette filter tips, cigarette tubes, cigarette injector machines and cigarette rolling machines to consumers across the United States through tobacco shops, drugstores, tobacco outlets, convenience and other retail stores.

2. For more than 100 years, and long prior to the acts of Applicant herein alleged, Republic has devoted substantial resources, time and effort in developing, marketing and distributing its smokers' articles under and in connection with its JOB Mark. In particular, Republic has distributed and sold, and continues to distribute and sell, cigarette papers, cigarette filter tips, cigarette tubes, cigarette injector machines and cigarette rolling machines under and in connection with the JOB mark.

3. As a result of its consistent and successful efforts to promote, distribute and sell such smokers' articles under and in connection with its JOB Mark, and its continuous and exclusive use of the JOB Mark with such smokers' articles, Republic has developed considerable consumer recognition and goodwill in its JOB Mark, which has come to be recognized by customers as identifying and distinguishing Republic's smokers' articles, and Republic's smokers' articles alone.

4. As a result of the considerable consumer recognition and goodwill that Republic now owns and which is symbolized by its JOB Mark, the JOB Mark is now among Republic's most valuable assets.

5. To protect its rights, Republic owns and maintains the following federal registrations for its JOB Mark in the United States Trademark Office, all of which are now incontestable pursuant to 15 U.S.C. §1065:

<b>Mark</b>	<b>Registration No.</b>	<b>Registration Date</b>	<b>Goods and Services</b>
JOB	073,124	March 16, 1909	cigarette papers
JOB (Design) 	1,341,384	June 11, 1985	cigarette papers
JOB (Design) 	2,422,747	January 23, 2001	cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes
JOB	2,420,646	January 16, 2001	cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes
JOB (Design) 	2,432,868	March 6, 2001	cigarette tubes; injector machines for filling cigarette tubes and machines for rolling cigarettes, filter tips for cigarettes

6. On February 24, 2012, more than a century after Republic began its use of its JOB Mark, Applicant filed an application to register the mark S.O.B. based its use of the mark in connection with “cigars” in International Class 34.

7. The S.O.B. mark that Applicant seeks to register is confusingly similar to Republic’s registered JOB Mark. As a result of the similarity of the parties’ marks and the similarity of the goods associated with the marks, Applicant’s use and registration of the S.O.B. mark is likely to cause confusion or mistake, or to deceive purchasers, in that purchasers would

be likely to believe Applicant's goods are Republic's goods or are in some way legitimately connected with, sponsored by, or approved by Republic in violation of 15 U.S.C. § 1052(d). Applicant's use or registration of the S.O.B. mark would, therefore, result in significant damage to Republic. Accordingly, on these bases, Republic opposes registration of Applicant's S.O.B. mark.

WHEREFORE, Republic requests that the registration sought by Applicant be refused and that this Notice of Opposition be sustained.

Republic requests that the requisite filing fee of \$300.00 be charged to the deposit account of Neal, Gerber & Eisenberg, Account No. 502261.

Respectfully submitted,

Date: August 14, 2013

By: /Antony McShane/  
One of the Attorneys for  
Republic Technologies (NA), LLC

Antony J. McShane  
Jessica Rissman Cohen  
Neal, Gerber & Eisenberg LLP  
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Chicago, Illinois 60602-3801  
(312) 269-8000

**CERTIFICATE OF SERVICE**

I, Antony J. McShane, an attorney, states that, pursuant to 37 CFR §§ 2.101, 2.111, and 2.119, I caused a true and correct copy of the foregoing Notice of Opposition to be served upon:

Fran S. Brooks  
Brooks Entertainment, Inc.  
P.O. Box 181205  
Coronado, California 92178-1205

via U.S. Mail on August 14, 2013.

/Antony McShane /  
Antony J. McShane

NGEDOCs: 2106242.1